

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Vishwanathan et al.

Application No.: 09/608,537

Filed: June 30, 2000

Title: POLISHING PADS FOR CHEMICAL
MECHANICAL PLANARIZATION

Group Art Unit: 3724

Examiner: T. Eley

Attorney Docket No.: 126

Assistant Commissioner for Patents
Washington, D.C. 20231**AMENDMENT AND ELECTION**

Sir:

This is in response to the Office communication mailed on 06/18/2002.

In the Claims:

Claims 1 -- 29 and 47 -- 52 are pending in the application.

Please cancel Claims 28, 29, and 47 -- 52.

RESPONSE

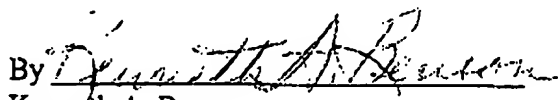
Applicants have cancelled all Claims not dependent on Claim 1 and, therefore, have elected Claims 1 -- 27 to be examined.

With these changes Applicants believe that the elected claims are in condition to be allowed. Applicants respectfully request such allowance.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 7/11/02

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Signature: Respectfully submitted,
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Application No.: 09/608,537	Group Art Unit: 3724
Filed: June 30, 2000	Examiner: Eley, Timothy V.
Title: POLISHING PADS FOR CHEMICAL MECHANICAL PLANARIZATION	FAX: 703-305-3579
	Attorney Docket No.: 126

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GROUP 3700

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Sir:

This is in response to the Office Communication mailed April 26, 2002.

Attention is directed to the fact that a previous requirement for restriction was mailed November 23, 2001. Applicant has already acted in reliance upon the previous requirement for restriction by canceled all claims 30-46 directed to Species 2, and electing claims 1-29 and 47-52 directed to Species 1.

By having canceled all of the Claims 30-46 directed to Species 2, all remaining claims are directed to a single species, Species 1. By operation of file wrapper record, cancellation of all claims directed to species 2 automatically comprises an election to prosecute the remaining claims that are directed to a single species, Species 1. Claims 28 and 29 have already been identified by the previous requirement for restriction as being directed to Species 1. It would be null and void, by operation of file record, for the Office Communication mailed April 26, 2002, to take Claims 28 and 29 from Species 1 and put them in Species 2, and especially because claims to Species 2 did not exist, due to cancellation of Claims 30-46. For this reason, Applicant hereby traverses the subsequent requirement for restriction in the Office communication mailed April 26, 2000.

The previous requirement for restriction has identified Species 2 as being "drawn to a method of polishing a semiconductor wafer", which comprises the distinguishing feature of Species 2. Further, the previous requirement for restriction has identified Species 1 as being "drawn to a polishing pad".

It is noted that claims 28 and 29 are drawn to a polishing pad, and are not drawn to a method of polishing. For this further reason, Applicant hereby traverses the subsequent requirement for restriction in the Office communication mailed April 26, 2000.

Applicant hereby submits that all of the claims remaining after cancellation of claims 30-46 by operation of file wrapper record, comprises an election of Species 1, due to all remaining claims 1-29 and 47-52 following such cancellation being directed to a single species, Species 1. Examination of all remaining claims is requested, which would effectively withdraw the subsequent requirement for restriction.

Further, traversal is based on the following reason. The Office Communication mailed April 26, 2002, contains a requirement for restriction that does not identify what comprises the distinguishing features of Species 1 and 2, respectively. Thereby, no elected subject matter for the claims is identified. Applicant would be prohibited from knowing how to amend any claim of record to make sure the claim remains directed to the elected subject matter, and is not directed to nonelected subject matter.

I hereby certify that this correspondence is being facsimile transmitted to: Assistant Commissioner for Patents, Washington, D.C. 20231, US Patent And Trademark Office. FAX number 703-305-3579 on the date indicated below.

Date of Deposit: May 3, 2002

Typed Name: Gerald K. Kita

Signature: Gerald K. Kita

Respectfully submitted,
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